IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.18427 of 2008
SALMAN RAGHIB @ MUNNA
Versus
STATE OF BIHAR

For the Petitioner: Mr. Shakeel Ahmad Khan, Sr. Advocate with
M/s Humayu Ahmad Khan & Zeyaul Hoda, Advocates
For the State : Mr. Jay Shankar Prasad, Addl. P.P.

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9. 24.11.2008 Heard learned Advocate of the petitioner as well as learned counsel for the State.

Petitioner, Salman Raghib @ Munna, is an accused in a case instituted under Sections 420, 467, 468, 471 and 120B of the Indian Penal Code on the allegation that several bank drafts and challans deposited by some settlees of Balughat at Nawada for the year 2005 were found forged. It was stated that one Arun Yadav had taken settlement of Balughat at a bid of Rs.2,24,00,500/-. At the time of settlement, half of the settlement amount was to be deposited through the bank draft. Accordingly, on 31.7.2005 Rs.20,00,000/- was deposited. On 1.8.2005 again Rs.20,00,000/- was deposited ; on 29.10.2005 Rs.28,00,000/- was deposited through challans but on verification those challans were found fake. On enquiry, no such person with the name of Arun Yadav was found on the place of address. It was suspected that

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Arun Yadav was a fictitious person. It is further stated that during investigation, the residence of Kaushal Yadav, M.L.A was raided and from the said premises some incriminating documents like forged challans, fake stamps of the Mining Department, some papers relating to settlement of Balughat were recovered. The allegation against the petitioner is that the petitioner had handed over the key of the said house to the raiding party.

The learned Advocate appearing on behalf of the petitioner submitted that vide order dated 14.5.2008 petitioner was granted provisional bail for a period of two months which was later on extended time to time and in the said order it was observed that after perusal of the case diary, final order will be passed. The learned Advocate further submitted that the case diary has already been received and except this fact that during raid of the house of Kaushal Yadav, M.L.A by the police, this petitioner had handed over the key of the room of the said house from which some incriminating articles were recovered and no other evidence is available in the entire case

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diary against the petitioner. He submitted that the act of the petitioner proves his innocence as in case he had any knowledge that any incriminating documents had been kept concealed in the said room, he would not have handed over the key of the room to the raiding as the house never belonged to him rather it belonged to Kaushal Yadav, M.L.A. He submitted that in the entire case diary there is nothing that the petitioner is involved in obtaining settlement of Balughat on the basis of forged challans.

The learned Advocate appearing on behalf of the State submitted that he had perused the entire case diary and except this fact that the petitioner had only handed over the key of the room of the house of Kaushal Yadav to the raiding party after obtaining the same from the family members of Kaushal Yadav, there is no incriminating material against the petitioner in the entire case diary.

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Considering the arguments of both parties, I am of the view that the provisional bail granted to petitioner (Salman Raghib @ Munna) vide order dated 14.5.2008 should be confirmed. Accordingly, the provisional bail

granted to the petitioner vide order dated 14.5.2008 which was extended time to time till 21.11.2008 is hereby confirmed. He will continue on the same bail bonds.

This application is, thus, disposed of.

Let this order be communicated to the court of the Chief Judicial Magistrate, Nawadah in connection with Nawadah (Town) P.S. Case No.208 of 2006 through Fax at the cost of the petitioner.

BT **(Syed Md. Mahfooz Alam, J.)**

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